

Attorney Docket No.:	13282-2	First Named Inventor (a):	Clarke
Application No.:	09/989,682	Filing Date:	Nov. 20, 2001
Examiner:	not yet known	Group Art Unit:	1761

**This Transmittal Sheet is accompanied by**

Disclosure under 37 CFR 1.56, including PTO-1449 (4 sheets, two copies), and an Acknowledgement Postcard.

**Fee Calculations** It is believed that no fee is due.

	Applicable Fee	Fee Paid
(1) <b>Filing fee</b>	690/345	(\$)

**(2) Extra claim fees**

	No. in Specification or after Amendment	No. Included in Filing Fee or Previously Paid For	No. Extra (b)	Applicable Fee	Fee Paid
Total Claims		- 20 =		x 18/9 (ea)	
Independent Claims		- 3 =		x 78/39 (ea)	
Multiple dependent claim(s) presented for first time (c)			No	260/130	
Subtotal (2) Extra claim fees					(\$)

**(3) Additional or other fees**

	Fee Paid
Extension for Reply (1, 2, 3, 4 months: \$110/55, 380/190, 870/435, 1,360/680) month	
Surcharge for providing Declaration late (37 CFR 1.492 (e)) -- Small Entity	\$
Petition to Commissioner (\$130)	
Information Disclosure Statement (\$240)	
Subtotal (3) Additional or other fees	

**Total Fees**

Total Fees Submitted (Sum of Subtotals (1), (2), and (3))	\$
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**Authorization to Charge Deposit Account for Fees**

The Assistant Commissioner for Patents is hereby authorized to charge any fees required under 37 CFR §§ 1.16 and 1.17, and credit any overpayments to, the following deposit account.

Deposit Account No: 19-2090

Deposit Account Name: Sheldon & Mak

**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231, on the date indicated below.

Date of deposit April 26, 2002

Name (printed) T. H. P. Richardson

Signature T. H. P. Richardson

Respectfully Submitted,

Name T. H. P. Richardson  
Tel. No. 650-854-6304  
Fax No. 626-795-6321  
Address Sheldon and Mak  
225 South Lake Avenue  
Suite 900  
Pasadena, CA 91101

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Receipt date: 05/09/2002



Docket No. 13282-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Clarke

Group Art Unit 1761

Serial No.: 09/989,682

Filing Date: November 20, 2001

Title: Packaging of Respiring Biological Materials

Assistant Commissioner for Patents  
Washington, DC 20231

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DISCLOSURE UNDER 37 CFR 1.56

Sir:

In fulfilling the duty of candor and good faith, the documents listed on the attached PTO-1449 (two copies) are disclosed to the Office in accordance with 37 CFR § 1.56. It should be noted the word "prior" has been deleted from the attached PTO-1449. It is not admitted that the information in the listed documents is material to patentability as defined in 37 CFR § 1.56(b) or that the documents are analogous art. The Examiner is asked to consider these documents, and to confirm such consideration by returning an initialed and signed copy of the PTO-1449.

The U.S. Patent Documents, the Foreign Patent Documents, and the first of the Other Documents (Yahia) listed on the attached PTO-1449 were previously submitted to the Office as part of an Information Disclosure Statement complying with 37 CFR 1.98 (a) through (c) in prior application Serial No. 09/580,379 (which has since been converted into Provisional Application No. 60/325,782), which is relied on for an earlier effective filing date under 35 USC 120. The remainder of the Other Documents were previously submitted to the Office as part of an Information Disclosure Statement complying with 37 CFR 1.98 (a) through (c) in prior application Serial No. 09/858,190, which is also relied on for an earlier effective filing date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with United States Postal Service with sufficient postage as first-class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

On April 26, 2002

Typed name of person signing this certificate T. H. P. Richardson

Signature

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.W./

Receipt date: 05/09/2002

under 35 USC 120. Therefore, copies of the documents listed on the attached PTO-1449 are not attached, because 37 CFR 1.98(d) states that copies of such document(s) need not be provided.

Applicant believes that because this Disclosure Statement is being submitted before the first Office Action on the merits, no fee is due. If this is incorrect, please charge any necessary fee for consideration of this Disclosure Statement to Deposit Account No. 19-2090 (Sheldon & Mak).

It is believed that this Disclosure complies with the requirements of 37 CFR 1.56 and the MPEP. If for some reason the Examiner thinks otherwise, he is asked to call the undersigned so that any deficiencies can be remedied.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'T.H.P. Richardson', with a horizontal line extending to the right.

T.H.P. Richardson

Reg. No. 28,805

Tel. No. 650-854-6304

FORM PTO-1449 (Rev 8/83)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No.: <b>13282-2</b>	App'l'n No.: <b>09/989,682</b>
<b>INFORMATION DISCLOSURE STATEMENT</b>		Applicant: Clarke	
(Use several sheets if necessary)		Filing Date: <b>Nov 20, 2001</b>	Group: <b>1761</b>

## US PATENT DOCUMENTS

* Exr. initial	Document number	Date	Name	Class	Sub- class	Filing date (if appropriate)
	3,450,542	6/69	Badran	99	154	
	4,734,324	3/88	Hill	428	317.3	
	4,830,863	5/89	Jones	426	118	
	4,842,875	6/89	Anderson	426	118	
	4,910,032	3/90	Antoon, Jr.	426	118	
	4,923,703	5/90	Antoon, Jr.	426	118	
	5,045,331	9/91	Antoon, Jr.	426	118	
	5,160,768	11/92	Antoon, Jr.	428	35.2	
	5,254,354	10/93	Stewart	426	106	
	6,013,293	1/00	De Moor	426	106	09/10/97

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## FOREIGN PATENT DOCUMENTS

* Exr. initial	Document number	Date	Country	Class	Sub- class	Translation enclosed (?)
	W0 94/12040	06/09/94	PCT international	A 23B	7/00	
	W0 96/38495	12/05/96	PCT international	C 08J	9/36	
	W0 00/04787	02/03/00	PCT international	A 23B	7/148	
	351115	01/17/90	Europe	B 65D	81/24	
	351116	01/17/90	Europe	B 65D	81/24	

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

Exr. initial	Details of Document	Translation enclosed (?)
	Yahia, E. 1997. Modified/controlled atmospheres for bananas and plantains (Musa spp). p. 104-109 in: A.A.Kader (editor). CA/97 Proceedings volume 3: Fruits other than apples and pears. Postharvest Horticulture Series No. 17, University of California, Davis.	
	Biale, J.B. Respiration of Fruits Encyclopedia of Plant Physiology (1960) Berlin: Springer-Verlag; Ed. W. Ruhland, Vol. XII, Pt. 2, pp. 536 and 566-571	
	Brady, C.J.; O'Connell, P.B.H.; Smydzuk, J.; Wade, N.L. Permeability, Sugar Accumulation, and Respiration Rate in Ripening Banana Fruits Aust. J. Biol. Sci., (1970) 23, pp. 1143-1152	

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	Broughton, W.J.; Wu, K.F. Storage Conditions and Ripening of Two Cultivars of Banana Scientia Hort. (Amsterdam) (1979) Vol. 10, Issue 1: pp. 83-93	
	Brown, D.J. The Effects of Low Oxygen Atmospheres on Ethylene and Carbon Dioxide Production by and 1-Amino-cyclopropane-1-Carboxylic Acid Concentration in Banana Fruits MS Thesis (1981), University of Maryland, College Park	
	Elyatem, S.M.; Banks N.H.; Cameron, A.C. Oxygen Concentration Effects on Ethylene Production by Ripening Banana Tissue Postharvest Biology and Technology 4 (1994), pp. 343-351	
	Fuchs, Y.; Gorodeiski, N.T. The Course of Ripening of Banana Fruits Stored in Sealed Polyethylene Bags J. Amer. Soc. Hort. Sci., (1971) 96(4): pp. 401-403	
	Gowen, S. Bananas and Plantains Chapman & Hall (1995) pp. 424-425	
	Hesselman, C.W.; Freebairn, H.T. Rate of Ripening of Initiated Bananas as Influenced by Oxygen and Ethylene J. Amer. Soc. Hort. Sci., (1969) 94(6): pp. 635-637	
	Hewage, S.K.; Wainwright, H.; Wijerathnam S.W.; Swinburne, T. The Modified Atmosphere Storage of Bananas as Affected by Different Temperatures Postharvest Phys., Pathology and Technol. for Hort. Commodities: Recent Advances (1995) pp. 172-176	
	Kanellis, A.; Solomos, T. The Effect of Low Oxygen on the Activities of Pectinmethylesterase and Acid Phosphatase During the Course of Ripening of Bananas 4 <sup>th</sup> Natl. Controlled Atmosph. Res. Conf.; Raleigh, NC (1985) SM Blankenship: pp. 20-26	
	Leonard, E.R. Studies in Tropical Fruits. XVII. The Respiration of Bananas in Different Concentrations of Oxygen at 53F, and During Subsequent Ripening in Air at 68F. Annals of Botany (July 1947) N.S. Vol. XI, No. 43: pp. 299-331	
	Liu, F.W. Storing Ethylene-Pretreated Bananas in Controlled Atmosphere and Hypobaric Air J. Amer. Soc. Hort. Sci. (1976) 101(3):pp. 198-201	

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	Liu, F.W. Banana Response to Low Concentrations of Ethylene J. Amer. Soc. Hort. Sci., (1976) 101(3) pp. 222-224	
	Liu, F.W. Ethylene Inhibition of Senescent Spots on Ripe Bananas J. Amer. Soc. Hort. Sci. (1976) Vol. 101(6): pp. 684-686	
	Liu, F.W. Ripening Bananas with Ethephon in Three Polymeric Film Packages HortScience, (1978) 13(6) pp. 688-690	
	Liu, F.W. Synergistic Effects of High Temperature and Low Concentration Ethylene on Ripening of "Dwarf Cavendish" Bananas HortScience (1978) 13(6): pp. 690- 692	
	Lowings, P.H.; Cutts, D.F. The Preservation of Fresh Fruits and Vegetables Proceedings - Inst. Food Science & Tech. of the UK (June 1982) Vol. 15(2): pp. 52-54	
	Mapson, L.W. Biosynthesis of Ethylene and Its Control IN: Conf Trop Subtrop Fruits; Food Research Institute, Norwich, England: (1969), pp. 85-92	
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	Marriott, J. Bananas - Physiology and Biochemistry of Storage and Ripening for Optimum Quality CRC Critical Reviews in Food Science and Nutrition (1980) 13(1): pp. 41-42	
	McGlasson, W.B.; Wills, R.B.H. Effects of Oxygen and Carbon Dioxide on Respiration, Storage Life, and Organic Acids of Green Bananas Aust. J. Biol. Sci. (1972) 25(1): pp. 35-42	
	Parsons, C.S.; Gates, J.E.; Spalding, D.H. Quality of Some Fruits and Vegetables after Holding in Nitrogen Atmospheres Amer. Soc. for Hort. Sci. (1964) Vol. 84: pp. 549-566	

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	Peacock, B.C. Banana Ripening-Effect of Temperature on Fruit Quality Queensland Journal of Agricultural and Animal Sciences (1980) Vol. 37(1): pp. 39-45	
	Quazi, M.H.; Freebairn, H.T. The Influence of Ethylene, Oxygen, and Carbon Dioxide on the Ripening of Bananas Botanical Gazette, (1970) 131(1):pp. 5-14	
	Rippon, L.E.; Trochoulas, T. Ripening Responses of Bananas to Temperature Aust. J. of Exper. Ag. and Animal Husbandry (1976) Vol. 16, Part 78: pp. 140-144	
	Scott, K.J.; McGlasson, W.B.; Roberts, E.A. Potassium Permanganate as an Ethylene Absorbent in Polyethylene Bags to Delay Ripening of Bananas During Storage Aust. J. of Exper. Ag. and Animal Husbandry (1970) Vol. 10: pp. 237-240	
	Scriven, F.M.; Gek, C.O.; Wills, B.H. Sensory Differences between Bananas Ripened Without and With Ethylene HortScience (1989) 24(6): pp. 983- 984	
	Smock, R.M. Controlled Atmosphere Storage of Fruits Horticultural Reviews, 1979, Vol. 1, pp. 301-336	
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	Wade, N.L. Effects of Oxygen Concentration and Ethepon Upon the Respiration and Ripening of Banana Fruits J. of Experimental Botany, (1974) Vol. 25(88): pp. 955-964	
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	Young, R.E.; Romani, R.J.; Biale, J.B. Carbon Dioxide Effects on Fruit Respiration. II. Response of Avocados, Bananas, & Lemons Plant Physiol., (1962) Vol. 37: pp. 416-422	

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- EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.